

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3703 of 2002
with
CIVIL APPLICATION 9002 OF 2002
IN
SPECIAL CIVIL APPLICATION NO.3703 OF 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

BHATURBHAI SHAMJIBHAI NATHANI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3703 of 2002
M/S THAKKAR ASSOC. for Petitioner No. 1-10
Mr.Kamal Trivedi, Addl.AG with
Ms.Manisha Shah, AGP for Respondent No. 1-3
RULE SERVED BY DS for Respondent No. 1-3
Mr.Pujara with MR CHETAN K PANDYA for Respondent No. 4-8

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 24/03/2003

Heard Ms.Pahwa for the petitioner, Mr.Kamal Trivedi, Ld.Addl.AG appearing with Ms.Manisha Shah, Ld.AGP for respondent authorities and Mr.Pujara with Mr.Pandya on behalf of concerned private respondents.

2. After hearing and after some discussion, Mr.Trivedi, Ld.Addl.AG fairly concedes that certain relevant aspects are not considered by the authority and in any case opportunity of hearing is not given to the petitioners before passing the impugned order and therefore Mr.Trivedi, Ld.Addl.AG states that the order dated 21.2.2002 which is impugned in this petition shall stand withdrawn. However, the Ld.Addl.AG has submitted that the respondent-authorities shall consider the matter afresh, but a time bound schedule be given so that the decision may not be delayed by either of the parties. Ms.Pahwa for the petitioners states that within 15 days from today petitioners shall make detailed representation and Mr.Pujara appearing with Mr.Pandya also states that their respective clients shall make representation within 15 days from today.

3. Both the petitioners as well as concerned private respondents are directed to act as per the said statement and after such representations are made as indicated earlier, the respondents shall be at liberty to consider the matter afresh in accordance with law after giving opportunity of hearing if it is so insisted by the parties. However, it is made clear that the petitioners as well as concerned private respondents shall make representations through their authorised one representative and the same shall be on behalf of concerned petitioners or the concerned private respondents, as the case may be.

4. Ld.Addl.A.G.-Mr.Trivedi states that the decision shall be rendered within a period of 15 days after receipt of such representations. The respondent-authority is directed to act as per the statement made by the Ld.Addl.AG.

5. In view of the above, the petition becomes infructuous and rule is discharged. Ad interim relief stands vacated. CA No.9002/02 also stands disposed of in view of order in main SCA.

